

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 981 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE A.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

MOHAMAD ISHTIAKKHAN PATHAN

Versus

STATE OF GUJARAT

Appearance:

MR MM TIRMIZI for Petitioners

Mr. ND Gokhil, APP for Respondent No. 1

CORAM : MR.JUSTICE A.K.TRIVEDI

Date of decision: 20/04/98

ORAL JUDGEMENT

Heard learned Advocate Mr. M.M. Tirmizi appearing for the petitioner. Rule. Learned APP Mr. N.D. Gokhil waives service of Rule on behalf of State.

2. The petitioner has prayed for modification of condition imposed by this court while passing order dated 13.10.1997 in Criminal Misc.Application No. 5760 of

1997.

3. It is contended that vide the above stated order the petitioner was admitted to bail on certain conditions. That condition (d) prescribes that petitioner shall mark his presence at the Nadiad Town Police Station on every Wednesday between 9.00 a.m. to 2.00 p.m. and as per Condition (e) the petitioner is directed not to leave the local limits of the City of Nadiad without the prior permission of the Chief Metropolitan Magistrate, Ahmedabad.

4. It is submitted on behalf of the petitioner that much time has been elapsed after the incidence, the petitioner having his shop at Gomatipur in Ahmedabad and on account of above stated conditions, the petitioner could not attend his business at the shop. That thereby the petitioner is suffering hardship and loss to his business. The petitioner is amenable to any other conditions imposed by this court and thereby in the interest of justice, suitable modification be made in the said conditions.

5. Learned APP Mr. Gohil has left the matter to the discretion of the court and suggested that petitioner be directed to report to Gomatipur Police Station twice in a week.

6. On the basis of the above stated discussion, the petition is allowed. The conditions (d) & (e) of order dated 13.10.1997 in Misc. Criminal Application No. 5760 of 1997 are deleted and modified to the extent that petitioner shall report to Gomatipur Police Station twice in a week between 9.00 a.m. and 2.00 p.m. and shall not leave the city limits of Ahmedabad District without the prior permission of the Chief Metropolitan Magistrate, Ahmedabad.

7. Rule is made absolute accordingly. No order as to costs.

p.n.nair